

**TOWNSHIP OF WALL
ORDINANCE NO. 12-1996
AS AMENDED**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER XIV, "LAND USE AND DEVELOPMENT REGULATIONS" OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, ARTICLE SIX, "AFFORDABLE HOUSING REGULATIONS", AND PROVIDING FOR CHANGES IN THE ZONING MAP.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL in the County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter XIV, "Land Use and Development Regulations" of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, Article Six, "Affordable Housing Regulations", be and the same is hereby further amended and supplemented by the addition thereto of the following section:

"600B17 ML-12A-MOUNT LAUREL ZONE (Ordinance No. 12-1996)

600B17.a Age Restriction. In the ML-12A Zone, a request for age-restricted housing units may only be granted after the Wall Township Planning Board or Board of Adjustment has received the consent of the Township Committee. In designing its project, the applicant may propose constructing the restricted affordable housing units in the same building or buildings in order to maximize the potential of preserving a more tranquil lifestyle for the senior citizen residents; and to the foregoing extent, the requirement of integration of the affordable units with conventional units is modified.

600B17.b Permitted Principal Uses. In the ML-12A Zone, no premises shall be used and no structure shall be erected, altered or occupied for any

purposes except the following:

- (1) Townhouses, provided that not more than eight (8) units shall be attached.
- (2) Quadplexes.
- (3) Multifamily structures containing flats or apartment units of up to eighteen (18) units per building, provided, however, that not more than six (6) units shall be on each floor.
- (4) Municipal services and facilities.
- (5) Conditional commercial uses in compliance with the HB-120 Zone.

600B17.c Permitted Accessory Uses.

- (1) Common parking areas.
- (2) Common private recreational facilities and structures, and open space.
- (3) Private attached garages with a capacity for garaging not more than two automobiles per dwelling unit.
- (4) Storage sheds attached to individual dwelling units and/or structures containing dwelling units not to exceed twenty (20) square feet per shed.
- (5) Signs in accordance with the Wall Township Sign Regulations contained in Section 400H.11.
- (6) Fences in accordance with the Wall Township Fence Regulations contained in Section 400H.7.b.(6).

(7) Such other customary accessory uses and structures as may be permitted by the approving authority. All structures accessory to dwelling units shall be attached to the dwelling unit to which they are accessory. Any common storage facility shall be attached to a common building, rather than free standing.

600B17.d Compliance with Site Plan Standards, Subdivision Standards and Regulations. Unless provided to the contrary herein, applications for developments in the ML-12A Zone shall follow and be subject to the applicable procedures, regulations, standards and guidelines as required for preliminary and final site plan and/or subdivision review of this Chapter and other applicable ordinances which are incorporated herein by reference.

600B17.e Maximum Regulations. Development in the ML-12A Zone shall be subject to the following maximum regulations:

- (1) Density. The gross density shall be no more than seventeen (17) dwelling units per acre.
- (2) Impervious Surfaces. The maximum total impervious surface, including buildings, shall be sixty (60) percent of the developable area of the tract for residential units.
- (3) Building Height. Building height shall be a maximum of forty (40) feet as set forth in Section 100I, Definitions, of this Chapter. Each building shall

be limited to three (3) stories and a basement which shall be partly below grade. Basements shall be used only for a rental/management office, storage, utilities or similar uses.

(4) Bedroom Distribution. Fifteen (15) percent of the Mt. Laurel units shall have three (3) bedrooms. All other units shall have one (1) or two (2) bedrooms. In the event the Rules of the Council of Affordable Housing (COAH) shall provide for a different bedroom mix than that which is specified in Section 600A.6(11), the COAH requirements shall control and the foregoing shall be deemed modified for all projects which have not received final site plan approval. Notwithstanding the above requirement for a certain percentage of three (3) bedroom moderate income units, the Township of Wall may allow the conversion of these three (3) bedroom units to two (2) bedroom units if otherwise permitted by law.

600B17.f Minimum Regulations. Developments in the ML-12A Zone shall be subject to the following minimum regulations:

- (1) Building Set Back Requirements.
 - (a) Sixty-five (65) feet from an existing public street.

- (b) Fifteen (15) feet from an internal road.
 - (c) Fifteen (15) feet from any internal parking access road.
 - (d) Fifteen (15) feet from any internal parking area.
 - (e) Twenty-five (25) feet from any external tract boundary.
 - (f) Twenty (20) feet from any other structure, provided that when buildings have glass to glass proximity, a minimum of fifty (50) feet shall be provided unless the glass planes are at more than fifteen (15) degree angle.
- (2) Dwelling Unit Width. No dwelling shall be less than nineteen (19) feet six (6) inches in width.
- (3) Dwelling Unit Characteristics. Each dwelling unit shall contain, at a minimum, a separate bedroom, a separate bathroom and a kitchen which shall be located separate and apart from other rooms, with the exception of a dining area. The mix of dwelling units shall be in conformance with this Chapter.
- (4) Buffer Areas.
- (a) Buffer Location. Where the tract abuts an existing residential use and where any nonresidential use abuts a residential use within the zone, a landscaped buffer strip at least twenty (20) feet in width shall be permanently

maintained along the property line abutting the existing residential use. Existing vegetation shall be maintained to the greatest extent possible.

(b) Requirement of Buffer Area. Buffer areas shall contain massed evergreen and deciduous trees and shrubs planted in such a manner that will provide a continuous screen throughout the entire year within two full growing seasons following the planting of the buffer. Evergreen trees shall have a minimum height of five (5) to six (6) feet when planted, deciduous trees shall be a minimum of two and one half (2 1/2) inch caliper and shrubs shall be of sizes and planted in accordance with the American Association of Nurserymen's Standards.

(c) Use of Buffer Areas. Required buffers shall be used for no other purpose than as a buffer and as part of the required open space of the tract. The only structures which may be erected within a buffer area are fences as elsewhere regulated in Article Four, "Zoning", retaining walls, drive openings, and necessary internal driveways. All non-paved areas shall be suitably landscaped with trees, shrubs, grass, ground covers, and other landscaping materials. Retaining areas shall be permitted in steep slope areas.

(d) Wooded Areas. Where an area required for a buffer is already wooded, it shall be left in its natural state to the maximum

extent feasible, and the existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of Article Four, "Zoning".

(e) Landscaping. On any lot or property proposed for residential development of two (2) or more lots or two (2) or more residential units which abut a property used for commercial, recreational, office, industrial, medical, manufacturing, or airport purposes or a lot or property zoned for commercial, recreational, office, industrial or airport use, a landscape buffer strip of at least twenty (20) feet in width shall be permanently maintained along the property line abutting such use or zone.

600B17.g Other Regulations. Developments in the ML-12A Zone shall be subject to the following regulations, requirements and standards:

- (1) All utilities shall be installed underground by the developer.
- (2) All dwelling units shall be served by public water and sanitary sewer systems. The Developer shall pay the cost of connection and transmission facilities necessary to connect to the sewer and water systems servicing the development.
- (3) Garbage, refuse storage and recyclable collection areas suitable for containerized collection shall be provided in sufficient numbers and at locations convenient to the dwelling units. Such areas shall be screened from view by fencing or other suitable materials.

(4) Garbage and refuse collection shall be provided and maintained by the body responsible for internal private streets and other common facilities.

(5) Streets, roads, driveways, parking facilities, walkways, street lights, fire hydrants, drainage facilities and other improvements required by this Chapter or appropriate or necessary to the development shall be installed at the expense of the developer in accordance with the specifications of this Chapter except as modified herein:

(a) Drainage Maintenance (Section 500B2.c(6)) in privately maintained streets shall be the responsibility of the developer and his successors in title.

(b) Common private parking ports shall not be classified as permanent dead end streets

(Section 500B1.a).

(6) All streets and roads within the tract shall be private streets and shall be maintained by the body responsible for common areas. Rights of access and enforcement shall be formally granted to the Township.

(7) Internal private roads (Section 500B1.a) shall have the following pavement widths:

(a) Interior private collector roads shall be twenty-five (25) feet wide (no parking provided).

(b) Interior private collector roads shall have a minimum four foot wide concrete sidewalk. Where adjacent to overhangs and parking areas, the minimum width of sidewalk shall be five (5) feet six (6) inches. This sidewalk may be within a required setback area. If the sidewalks are within an island separating parking stalls, the sidewalks may be from curb to curb but no less than four (4) feet in width.

(8) Parking shall be provided as follows:

| <u>No. of Bedrooms</u> | <u>No. of Parking Spaces Per Unit</u> |
|------------------------|---------------------------------------|
| 1 | 1.25 |
| 2 | 1.50 |
| 3 | 2.00 |

At least one parking space for each dwelling unit shall be within one hundred feet of the building entrance measured along the route reasonably expected to be used to walk from the dwelling unit to the parking space. Parking stalls shall be a minimum of nine (9) feet by eighteen (18) feet. Handicapped parking stalls shall be eight (8) feet wide with a five (5) foot aisle by eighteen (18) feet long and serviced by depressed curbing.

(a) Each parking space shall consist of a suitably graded, drained and unobstructed area in the plane of which no straight line shall have a grade in excess of seven (7) percent or less than one half (0.5) percent.

- (b) Curb return radii on safety islands adjacent to traffic flow shall be a minimum of two (2) feet.
- (c) All parking spaces shall be sufficient size to allow parking in one (1) maneuver. Parking spaces, ramps, etc. shall be provided for the physically handicapped, in accordance with the Americans with Disabilities Act.
- (d) Backup areas with a minimum depth of five (5) feet shall be provided in all parking lots where there are dead-ends.
- (9) Common open space, recreational or other facilities shall be owned, operated and maintained as such by an Association comprised of all the owners of the individual units.
- (10) All detention basins and facilities located within the ML-12A Zone shall comply with all applicable regulations under the Flood Hazard Control Act, N.J.S.A. 58:16A-50 et seq. and the New Jersey Stormwater Management Act, N.J.S.A. 7:8 et seq.

If any wetlands areas are utilized for stormwater management, the regulations of the New Jersey Department of Environmental Protection shall apply and any inconsistent provisions of the applicable Wall Township Ordinances may be waived. Trees, shrubs and other vegetation may be planted on the slopes or banks of detention basins or facilities constructed in fill, provided the landscaping is attractively maintained. All detention and

retention basins with permanent dry weather pools of water shall have a water depth to minimize propagation of mosquitoes and provided with mechanical aeration for water quality.

(11) Development within the ML-12A Zone shall include twenty-five (25) percent inclusionary moderate income housing within Section 600.A, Low and Moderate Income Housing Regulations for Inclusionary Housing Developments. All conventional dwelling units shall be constructed to be offered as rental units.

(12) All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a homeowners association, trust documents or other deed or documents to provide for ownership, age restrictions for rental units, and maintenance of common property and facilities shall be submitted to the Township for review by the Planning Board and Township Attorney prior to final review of any subdivision or site plan.

(13) In any case where the maintenance or repair of any wall, fence or other improvement by its owner or his or her agent would require entry upon the adjacent property, an appropriate easement or right shall be created in favor of the subject owner. All such easements shall be detailed in specifications as to the required notice and any limitations upon the right of entry shall provide a specific means of arbitration in the event of disputes.

(a) Performance Guarantee. In the ML-12A Zone,

the provisions of Section 300G.2 with respect to performance guarantees shall apply.

(b) Maintenance Guarantee. In the ML-12A Zone, the provisions of Section 300G.3 with respect to maintenance guarantees shall apply.

(c) Improvements Required Prior to Issuance of Certificate of Occupancy. In the ML-12A Zone, the provisions of Section 600A7.k shall apply with respect to the issuance of certificates of occupancy.

(d) Inspection Fees. The provisions of Section 200F.19 of this Chapter pertaining to inspection fees shall be applicable to all development within the ML-12A Zone.

(e) The provisions of this Section shall be specifically subject to the provisions of Section 600.A, Low and Moderate Income Housing Regulations for Inclusionary Housing Development.”

Section 2. Chapter XIV, “Land Use and Development:”, of “The Revised General Ordinances of the Township of Wall, 1977”, as amended and supplemented, Article IV, “Zoning”, Section 14-404, “Zoning Map and Districts”, Subsection 14-404.4, “Maintenance of the Official Zoning Map” be and the same is hereby further amended and supplemented by the addition thereto of the following subparagraphs:

“aa. (400D.7.aa) To delete the following properties from the HB-120 Zone and to include the same within the ML-12A Mount Laurel Zone: Block 80, Lot 12.”

(The aforesaid property is located on Eighteenth Avenue and State Highway 35.)

“bb. (400D.7.bb) to delete the following properties from R-60 Zone and to

include the same within the R-30 Zone subject to the execution of a Developer's Agreement with the township providing for the development of no more than 25 single family market priced homes: Block 755, Lots 16 and 32."

(The aforesaid property is located on Belmar Boulevard and has previously received preliminary approval at an R-20 zoning designation.)

Section 3. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 5. This Ordinance shall take effect upon its passage and publication and filing with the Monmouth County Planning Board, according to law. This Ordinance shall not take effect prior to its approval and the approval of the Developer's Agreement by the Court.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on April 24, 1996 and will further be considered for final passage and adopted at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on May 22, 1996 at 8:00 o'clock p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the

date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER, C.M.C.
Township Clerk